

EXHIBIT D



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April 2, 2025

VIA EMAIL

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Re: ChatGPT Retention Policies - *The New York Times Company v. Microsoft Corp. et al.*, Case No. 24-cv-1195-SHS; *Daily News, LP et al. v. Microsoft Corp. et al.*, Case No. 24-cv-3285-SHS

Counsel:

We are in receipt of your letter dated March 31, 2025, regarding output log data for OpenAI's ChatGPT and API Platform products that OpenAI has not retained since the filing of *The New York Times* litigation on December 27, 2023. We are also in receipt of your email dated April 1, 2025, regarding OpenAI's available output log data for ChatGPT. While you have now admitted that OpenAI has deleted or failed to retain over [REDACTED] ChatGPT conversations, unfortunately the information you provided is incomplete with respect to our request for OpenAI to provide: (1) an identification of all output log data that has been destroyed, including an estimated volume thereof based on the best information available to OpenAI, since December 27, 2023, when The Times filed its original Complaint, (2) when such data was destroyed, and (3) whether such data is retrievable. We set forth below some of the omissions from your correspondence and our follow-up questions.

I. API Platform and ChatGPT Enterprise

With respect to the output log data for OpenAI's API Platform and ChatGPT Enterprise, your March 31, 2025, letter states that [REDACTED]

[REDACTED] As previously discussed, we are concerned that the volume of "completions" and "conversations" (i.e., prompts and outputs) that OpenAI did not retain from these products is substantial in view of OpenAI's Enterprise Privacy policy, which states: "OpenAI may securely retain API inputs and outputs for up to 30 days to provide the services and to identify abuse," and "[a]fter 30 days, API inputs and outputs are removed from our systems, unless we are legally



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required to retain them.” See Enterprise privacy at OpenAI, dated October 31, 2024, available at <https://openai.com/enterprise-privacy/> (accessed April 2, 2025).

In view of your representation that [REDACTED], please provide: (1) a chart identifying the volume of data that OpenAI has preserved for these products over time since December 27, 2023, and (2) the usage of these products over time since December 27, 2023.

II. ChatGPT Free, Pro, and Plus

Thank you for providing additional details on OpenAI’s output log data for ChatGPT Free, Pro, and Plus. We have a few clarifying questions about the table and chart you provided.

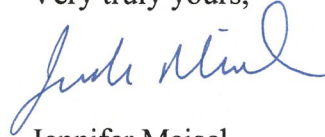
- (1) [REDACTED]
- (2) [REDACTED]
- (3) [REDACTED]
- (4) [REDACTED]
- (5) [REDACTED]
- (6) [REDACTED]

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In view of the many months we have been meeting and conferring on this issue, we expect OpenAI to provide an answer to these questions no later than Monday, April 7, 2025, so that we may address any further omissions with Magistrate Judge Wang at the April 10, 2025, hearing.

Very truly yours,



Jennifer Maisel

CC: All Counsel of Record